

PROVIDENCE CITY COUNCIL MEETING AGENDA
March 29, 2016 6:00 p.m.
15 South Main, Providence UT

The Providence City Council will begin discussing the following agenda items at 6:00 p.m. Anyone interested is invited to attend.

Call to Order: Mayor Calderwood
Roll Call of City Council Members: Mayor Calderwood
Pledge of Allegiance:

Approval of the minutes

Item No. 1. The Providence City Council will consider approval of the minutes of March 8, 2016 City Council meeting.

Public Comments: Citizens may appear before the City Council to express their views on issues within the City's jurisdiction. Comments will be addressed to the Council. Remarks are limited to 3 minutes per person. The total time allotted to public comment is 15 minutes. The City Council may act on an item, if it arose subsequent to the posting of this agenda and the City Council determines that an emergency exists.

Business Items:

Item No. 1. Ordinance No. 2016-005 Code Amendment: The Providence City Council will consider for adoption an ordinance amending Providence City Code Title 11 Subdivision Regulations by adding Chapter 6 Condominium Approval.

Staff Reports: Items presented by Providence City Staff will be presented as information only.

Council Reports: Items presented by the City Council members will be presented as informational only; no formal action will be taken. The City Council may act on an item, if it arose subsequent to the posting of this agenda and the City Council determines that an emergency exists.

Executive Session Notice:

The Providence City Council may enter into a closed session to discuss pending or reasonably imminent litigation as allowed by Utah Code 52-4-205(1)(c).

The Providence City Council may enter into a closed session to discuss professional competence or other factors allowed by Utah Code 52-4-205(1)(a).

The Providence City Council may enter into a closed session to discuss land acquisition or the sale of real property Utah Code 52-4-205(1) (d) and (e).

Agenda posted the 25 day of March 2016.


Skarlet Bankhead
City Recorder

If you are disabled and/or need assistance to attend council meeting, please call 752-9441 before 5:00 p.m. on the day of the meeting.

Pursuant to Utah Code 52-4-207 Electronic Meetings – Authorization – Requirements the following notice is hereby given:

- Providence City Ordinance Modification 015-2006, adopted 11/14/2006, allows City Council member(s) to attend by teleconference.
- The anchor location for this meeting is: Providence City Office Building, 15 South Main, Providence, UT.
- Member(s) will be connected to the electronic meeting by teleconference.

PROVIDENCE CITY COUNCIL MEETING

March 8, 2016 6:00 p.m.

15 South Main, Providence UT

Call to Order: Mayor Calderwood
Roll Call of City Council Members: Mayor Calderwood
Attendance: Kirk Allen, Jeff Baldwin, John Drew, Dennis Giles, Roy Sneddon
Pledge of Allegiance: Mayor Calderwood
Opening: Greg Jones

Approval of the minutes

Item No. 1. The Providence City Council will consider approval of the minutes of February 23, 2016 City Council meeting.

Motion to approve the minutes of February 23, 2016: J Drew, second – K Allen

- Page 1 Line 51 the = they
- Page 3 line 5 as required
- Page 3 line 15 malfunctions and the system
- Page 4 line 34 upgrade the equipment
- Page 5 line 24 interviewed individually by

Vote: Yea: K Allen, J Baldwin, J Drew, D Giles, R Sneddon
Nay: None
Abstained: None
Excused: None

Public Comments: Citizens may appear before the City Council to express their views on issues within the City's jurisdiction. Comments will be addressed to the Council. Remarks are limited to 3 minutes per person. The total time allotted to public comment is 15 minutes. The City Council may act on an item, if it arose subsequent to the posting of this agenda and the City Council determines that an emergency exists.

- Chad Checketts, 765 Canyon Rd, Providence. Has been a resident of Providence for 16 years. Represent a growing grass roots movement. See attached statement.

Business Items:

Item No. 1. Resolution 012-2016: The Providence City Council will consider for adoption a resolution awarding the 390 East Roadway Construction Project No. 15-024 (project location: 390 East from approximately 885 South to 1000 South).

Motion to approve Resolution 012-2016: J Baldwin, second – J Drew

- Rob Stapley, Public Works Director, attended pre-bid meeting; three submitted bids. Of the three bids that came in, he saw no reason not to award the bid to LeGrande Johnson.
- J Drew and K Allen explained the location of the project.
- R Sneddon asked the price per linear foot. It is approximately 800 feet, averages \$700 - \$800 per linear foot.
- J Baldwin commented that if curb and gutter were added, it would cost significantly more.
- The current fence will be relocated and will be reused or replaced.

Vote: Yea: K Allen, J Baldwin, J Drew, D Giles, R Sneddon
Nay: None
Abstained: None
Excused: None

Item No. 2. Resolution 013-2016: The Providence City Council will consider for adoption a resolution awarding the Fuhrman Drive Improvements Project No 15-079.

Motion to approve Resolution 013-2016 – J Baldwin, second – J Drew

- R Stapley explained this had the same bidders as 390 East. This road is an existing asphalt road that is worn out. He reviewed elements of the project. One fire hydrant will be added. There will probably be one day of water service that will be interrupted. As individual service lines are interrupted, residents will be notified.

Vote: Yea: K Allen, J Baldwin, J Drew, D Giles, R Sneddon

Nay: None
Abstained: None
Excused: None

Item No. 3. Resolution 010-2016: The Providence City Council will consider for adoption a resolution amending the Providence City Corporation Department of Public Works Standards and Specifications Manual Drawing C-1A Downtown Street Cross-Sections by changing the cross-section for 400 South from 100 East west to 200 West.

Motion to approve Resolution 010-2016: J Drew, second – J Baldwin

- Mayor Calderwood explained the current minimum 66-foot street cross-section. The City asked if the street could be designed for less impact to adjacent residents. The proposal is 29-feet of asphalt with a 1.5 ft concrete ribbon; no curb or gutter, and no sidewalk. The proposed cross-section will need an ordinance change.
- Afton Carlson, 55 West 400 South, asked if the homeowners will be asked to pay for the improvements. Mayor explained this will come out of City funds. If curb and gutter is installed driveway cuts will be installed.
- Richard Eames asked about the design for the intersection at 400 South 100 East. Max Pierce, City Engineer, said neither option will cut anything off the intersection. With curb and gutter, the curb and gutter will wrap around the corner. With the concrete ribbon, it will taper into the asphalt; it will not extend into 100 East. The typical driveway approach is to replace the existing driveway as it is.
- Sharell Eames asked if they would be responsible to take out their curb and gutter. M Pierce said he would have to look at the property, but didn't think the 29' of asphalt width would impact the Eames curb and gutter.
- Mayor Calderwood explained the curb, gutter, and sidewalk option will impact some trees and properties.
- Ralph Daniels in favor of 29 feet; didn't want to move landscaping.
- Harvey Mohr asked about sidewalk placement on the property line. The right-of-way is roughly 99-feet. Max Pierce suggested putting the sidewalks about 3-feet off property line. With that being said, there was also the idea of bringing the sidewalk closer to the asphalt. The impact to the irrigation system has also been considered.
- Wes Bitters, said he was the only one on the south side of the street with a sidewalk. The new sidewalk would be in about the same place.
- Mearl Baer asked if the sidewalks would be on both sides. Under current ordinance they would be on both side.
- Patti Mock said she was much in favor of the 29-ft, because they would lose trees with the other options. She also expressed concern with speeding traffic if the street is widened. She also felt the 39-feet of asphalt would spoil the look of the area.
- Mayor Calderwood explained the 29-ft option eliminates the sidewalk.
- Harvey Mohr asked about catching the storm water periodically. M Pierce explained the storm water will flow as it always has.
- M Pierce explained they surveyed the right-of-way; and marked various positions of the sidewalk.
- J Baldwin felt without curb and gutter, the storm water will have more problems at the 100 East intersection.
- K Allen stated again the water will behave as it does currently.
- R Daniels asked if the concrete ribbon would protect the asphalt, M Pierce said it would help preserve the asphalt.
- Afton Carlson asked if the curb and gutter go where the irrigation ditch is now. M Pierce said it will be closer to the street than the irrigation ditch.
- Connie Tibbitts asked if the citizens got a vote. The Mayor said he would ask for a show of hands.
- K Mohr asked about the 400 South / 100 West intersection elevations. M Pierce said the height of the intersection will be finessed as much as possible.
- Elaine Daniels asked about the life of the asphalt. M Pierce said the asphalt life would be the same in both options. Design life with maintenance is 20 to 25 years, but many roads last longer.
- Patti Mock felt that the sidewalk option would impose on everyone's yard (the right-of-way that has been enjoyed as yard).

- H Mohr asked if the trees would really be taken out and if the irrigation ditch would be interrupted. M Pierce explained the irrigation ditch would definitely be impacted, but it would be upgraded.
- W Bitters trees will definitely be impacted.
- K Allen felt the 29-ft option maintains the rural look with the trees, bushes, and grass up to the side.
- R Eames asked about pedestrians. K Allen explained they will walk where they walk now.
- J Baldwin did not feel the trees would be impacted 39 feet from the center line.
- R Daniels explained the survey markers definitely affected his yard.
- R Sneddon asked if the difference in cost would help with perspective. M Pierce explained the 39' of asphalt with curb gutter and sidewalk is roughly double in cost.
- K Mohr asked about 29' with curb and gutter and sidewalk and no park strip. M Pierce explained you would not be able to park on the street.
- Mearl Baer was concerned for pedestrians.
- K Allen explained even in sidewalk areas, many people walk in the roads.
- Patti Mock felt the wider version would need to be done over multiple years, where the 29 ft version could get done this year.
- Afton Carlson asked where the storm water goes. In the curb and gutter option the water would be collected, but the total design has not been done.
- If the 29-ft option is approved, someone building will build to the 29'; they will not have to put in curb, gutter, or sidewalk.
- J Drew reported he and the Mayor walked 400 South and looked where the sidewalks would be. J Drew did not think people would like the sidewalk option. He felt it would drastically change the look of the neighborhood. J Drew explained no sidewalk, curb and gutter would save about \$600,000.
- Patti Mock explained the sidewalk would be past her retaining wall.
- Bill Machent asked is if the barrier could be widened to act as the sidewalk. M Pierce expressed concern with sidewalk without a barrier.
- Jen Arnell asked if homeowners would be responsible for snow removal on the sidewalk. The Mayor said yes.
- Removing the stop sign at 400 South and Main increased speed.
- Gary Jensen felt the 2 foot retainer was the best scenario; but requested the city maintain the shoulder by grading it twice per year.
- Wayne Carlson asked about using curb and gutter instead of ribbon. M Pierce said with 29' of asphalt and curb and gutter, street parking would be limited, also adding curb and gutter would significantly increase cost.
- J Baldwin felt adding more pavement with the slope would accelerate the storm water problems. M Pierce agreed. J Baldwin felt it was a long term maintenance issue.
- J Drew asked about swales. M Pierce said they could strategically place them, but they may impact the irrigation and trees.
- Mayor Calderwood read the resolution.

Straw vote of the audience: all but 2 wanted the 29-ft option.

Vote: Yea: K Allen, J Drew, D Giles, R Sneddon

Nay: J Baldwin

Abstained: None

Excused: None

- Richard Eames felt it was a positive move to have a personal invitation to give comment.

Item No. 4. Resolution 014-2016: The Providence City Council will consider for adoption a resolution approving an interlocal agreement between Millville City and Providence City for the purpose of assigning maintenance and ownership responsibilities to Providence City's sewer line that runs through Millville city limits.

Motion to approve Resolution 014-2016: K Allen, second – J Baldwin

- S Bankhead explained the request to relocate a city sewer line that exists in Millville City limits. She explained this is relocating the sewer line, not adding services to the line.
- R Stapley explained an existing active sewer line can be moved while active. R Stapley explained putting the sewer line under the street makes better access to the area. R Stapley said it was reviewed in ESR.

Vote: Yea: K Allen, J Baldwin, J Drew, D Giles, R Sneddon
Nay: None
Abstained: None
Excused: None

Item No. 5. Resolution 011-2016: The Providence City Council will consider for adoption a resolution increasing the charge for emergency communication from \$2.00 to \$3.00.

Motion to approve Resolution 011-2016: J Baldwin, second – D Giles

- J Baldwin felt the consensus from the last meeting was not to continue absorbing the \$1.
- K Allen explained the City has also chosen not to raise sewer rates.
- This will add \$1 to everyone's E911 charge.

Vote: Yea: K Allen, J Baldwin, J Drew, D Giles, R Sneddon
Nay: None
Abstained: None
Excused: None

Item No. 6. Resolution 008-2016: The Providence City Council will consider for adoption a resolution amending the Personnel Policy for Providence City by amending interviewing and selection by adding: a. If the open position is for the city administrator or public works director, the Mayor and one council member shall be part of the interview and selection process.

Motion to approve Resolution 008-2016: R Sneddon, second – K Allen

Motion to approve is for the City Administrator, Public Works Director, Treasurer or Recorder, Mayor and one Council member selected by the City Council in an open meeting shall be involved in the interview process: R Sneddon, second – J Drew

Motion to include "any council member desiring to be involved in the interview process, but in no case less than one council member selected by the City Council": J Baldwin, second – R Sneddon

- Three would require an open meeting with a closed session to discuss professional competence.
- K Allen felt this made the process cumbersome.
- J Baldwin felt everyone would still keep a fixed set of questions so every candidate would be asked the same questions. It allows collaboration on strong and weak points.
- K Allen felt it was appropriate for a pre-selection, but felt the final candidates should be interviewed by the Mayor and one council member, and whoever else the council chooses. K Allen asked why so deep.
- J Baldwin felt it was being thorough when hiring for key positions, otherwise, things get missed.

Motion amended to include "If the open position is for the City Administrator, Public Works Director, Treasurer, or Recorder, the Mayor and one council member selected by the City Council in an open meeting shall be part of the interview process; one additional council member may be involved in the interview process at their request": J Baldwin, second – R Sneddon

Vote: Yea: J Baldwin, J Drew, D Giles, R Sneddon
Nay: K Allen
Abstained: None
Excused: None

Item No. 7. Ordinance 2016-003: The Providence City Council will consider for adoption an ordinance amending Providence City Code Title 7 Chapter 4 Cemeteries pertaining to non-resident and resident space purchases.

Motion to adopt Ordinance 2016-003: J Baldwin, second – D Giles

- D Giles reported he called Wellsville and Hyrum they don't have anything similar to this.
- S Bankhead said there is a problem with people wanting to purchase spaces at the resident rate who aren't residents. Some people have sold the spaces back and then had a family member come in and purchase them at a resident rate. We also have residents coming in and purchasing spaces for non-residents. That's the biggest issue.

Vote: Yea: K Allen, J Baldwin, J Drew, D Giles, R Sneddon
Nay: None
Abstained: None
Excused: None

Staff Reports: Items presented by Providence City Staff will be presented as information only.

- R Stapley reviewed his report. The green waste dumpster is not here yet, but should be soon. The mini excavator will be here in mid-April. We are purchasing a trailer.
- S Bankhead reviewed her report. J Baldwin asked about counter tops being added to the use chart. J Drew asked about totals. S Bankhead will check on the totals.
- Deputy Nyberg introduced himself. J Baldwin expressed concerns with the speed along 390 East north of 200 North. J Baldwin also felt 400 South had problems with speed.
- J Baldwin expressed concern with a young man that drives a black car; he has the plate number.

Council Reports: Items presented by the City Council members will be presented as informational only; no formal action will be taken. The City Council may act on an item, if it arose subsequent to the posting of this agenda and the City Council determines that an emergency exists.

- J Baldwin attended the library meeting. The library needs more space. He suggested relocating the library to this building. He looked at the park on 400 South Main which should be easy to improve. K Allen felt we needed to be careful that what we put on the top won't impact the well water. K Allen suggested it be a boy scout project.
- J Baldwin felt the post office and 400 West needs to be pursued. He also felt with tonight's action on 400 South, we need to have planning look at changing the ordinance for two lot developments and not require full improvements.
- K Allen also wanted to address the post office area.
- R Sneddon – no report.
- J Drew said there was quite a crowd at the last planning meeting. He has training for the elections tomorrow night and won't be able to attend planning. Discuss the caucus night conflict on March 22nd.
- J Drew reported he attended the Sewer Rate Committee meeting. Logan has never tackled a mechanical plant. J Drew felt the rate study looks at the rate study as an owner, the other cities are like renters. J Drew and Shawn Dustin expressed concern about being charged debt service, depreciation, etc. Mayor Brackner is interested in attending the three city meeting. J Drew felt Logan rate numbers may not be available in June.
- D Giles reported he received a letter from Dwight Cook who is opposed to the building the city purchased.
- Mayor Calderwood asked about rescheduling the 22nd meeting. If we need a meeting it will be the 29th.
- Mayor Calderwood felt Mayor Petersen is very upset that Providence received the money from the CCCOG. There were proposals to change the project selection process. The mayor's didn't care for the proposals.

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The Providence City Council may enter into a closed session to discuss professional competence or other factors allowed by Utah Code 52-4-205(1)(a).

The Providence City Council may enter into a closed session to discuss land acquisition or the sale of real property Utah Code 52-4-205(1) (d) and (e).

Motion to enter into an executive session for the above reasons: K Allen, second - J Baldwin

Vote: Yea: K Allen, J Baldwin, J Drew, D Giles, R Sneddon

Nay: None

Abstained: None

Excused: None

Minutes taken by S Bankhead; prepared by Caroline Craven.

Don W. Calderwood, Mayor

Skarlet Bankhead, City Recorder

Ordinance No. 2016-005

AN ORDINANCE AMENDING PROVIDENCE CITY CODE TITLE 11 SUBDIVISION REGULATIONS BY
ADDING CHAPTER 6 CONDOMINIUM APPROVAL.

WHEREAS UCA § 10-9a-102.(2) states “. . . municipalities may enact all ordinances, resolutions,
and rules and may enter into other forms of land use controls . . .” and

WHEREAS Providence City desires to provide for the health, safety, and welfare, and promote
the prosperity, peace and good order, comfort, convenience, and aesthetics of each municipality
and its present and future inhabitants and businesses, to protect the tax base, to secure
economy in governmental expenditures, to foster the state's agricultural and other industries, to
protect both urban and nonurban development, to protect and ensure access to sunlight for
solar energy devices, to provide fundamental fairness in land use regulation, and to protect
property values in areas that may be considered sensitive, including but not limited to fire
danger, slope, soil content.

- Providence City staff prepared the attached code amendment.
- Planning Commission studied the proposed amendment, and held a public hearing on
March 9, 2016, prior to making a recommendation.
- The Planning Commission considered the following:
Findings of Fact:
 - Providence City Code (PCC) 10-1-5:A. states changes and amendments to this Zoning
Title shall be done in accordance with state law.
 - UCA § 10-9a-102 Purposes -- General land use authority.
*(1) The purposes of this chapter are to provide for the health, safety, and welfare,
and promote the prosperity, improve the morals, peace and good order, comfort,
convenience, and aesthetics of each municipality and its present and future
inhabitants and businesses, to protect the tax base, to secure economy in
governmental expenditures, to foster the state's agricultural and other industries, to
protect both urban and nonurban development, to protect and ensure access to
sunlight for solar energy devices, to provide fundamental fairness in land use
regulation, and to protect property values.*
*(2) To accomplish the purposes of this chapter, municipalities may enact all
ordinances, resolutions, and rules and may enter into other forms of land use
controls and development agreements that they consider necessary or appropriate
for the use and development of land within the municipality, including ordinances,
resolutions, rules, restrictive covenants, easements, and development agreements
governing uses, density, open spaces, structures, buildings, energy efficiency, light
and air, air quality, transportation and public or alternative transportation,
infrastructure, street and building orientation and width requirements, public
facilities, fundamental fairness in land use regulation, considerations of surrounding
land uses and the balance of the foregoing purposes with a landowner's private
property interests, height and location of vegetation, trees, and landscaping, unless
expressly prohibited by law.*
- UCA § 10-9a-501 states the legislative body may enact land use ordinances and a
zoning map consistent with the purposes set forth in in this chapter.
- UCA § 10-9a-502 Requires the planning commission provide notice and hold a public

hearing on a proposed land use ordinance or zoning map; and prepare and recommend to the legislative body a proposed land use ordinance and zoning map that represent the planning commission's recommendation.

- UCA 10-9a-503.(1) The legislative body may amend: (b) any regulation of or within the zoning district; or (c) any other provision of a land use ordinance.

CONCLUSIONS OF LAW:

- The proposed code amendment has been processed consistent with the above Findings of Fact.

CONDITIONS:

- None
- Providence City Planning Commission took the following action on March 9, 2016:
Item No. 1. Code Amendment. The Providence City Planning Commission will consider for recommendation to the City Council a proposed code amendment, amending Providence City Code Title 11 Subdivision Regulations by adding Chapter 6 Condominium Approval. Motion to recommend to City Council the proposed code amendment for Condominium Approval as stated in Title 11 Chapter 6: H Hansen, second – R James

Vote: Yea: H Hansen, R James, L Raymond

Nay: None

Abstained: None

Excused: B Nielsen, W Simmons

THEREFORE be it ordained by the Providence City Council:

- The attached code amendment shall be approved based on the findings of fact, conclusions of law, and conditions listed above and the recommendation of the Providence City Planning Commission.
- This ordinance shall become effective immediately upon passage and posting.

Ordinance adopted by vote of the Providence City Council this 29 day of March 2016.

Council Vote:

Allen, Kirk	() Yes	() No () Excused	() Abstained	() Absent
Baldwin, Jeff	() Yes	() No () Excused	() Abstained	() Absent
Drew, John	() Yes	() No () Excused	() Abstained	() Absent
Giles, Dennis	() Yes	() No () Excused	() Abstained	() Absent
Sneddon, Roy	() Yes	() No () Excused	() Abstained	() Absent

Signed by Mayor Don W Calderwood this day of 2016.

Providence City

Don W. Calderwood, Mayor

Attest:

Skarlet Bankhead, Recorder

Chapter 6
CONDOMINIUM APPROVAL

11-6-1: PURPOSE AND INTENT:

11-6-2: SUBMISSION OF APPLICATION:

11-6-3: STAFF REVIEW:

11-6-4: PLANNING COMMISSION ACTION:

11-6-5: FINAL PLAT RECORDATION

11-6-1: PURPOSE AND INTENT:

A. The procedures and requirements of this chapter shall apply to and govern the processing of condominium record of survey maps pursuant to the requirements of the condominium ownership act of 1975, Utah Code Annotated title 57, chapter 8. Said procedures and requirements shall supplement zoning, site development, health, building and other ordinances applicable to a particular condominium project, and shall apply to the approval of such projects involving new construction as well as those involving the conversion of existing structures. In addition, condominium projects, which contemplate dedication of real property or improvements for the use of the public, or condominium projects in which units are not contained in existing or proposed buildings shall also be considered subdivisions requiring compliance with the applicable provisions of this chapter.

B. It is the intent of this chapter to establish a reasonable process whereby the city can assess the impact of mixing collective and individual ownerships, as presented in a particular condominium project, upon the public health, safety, welfare and convenience of the city. In the case of conversions of existing commercial or residential buildings to condominiums, corrections of building code violations, the upgrading of vehicle parking facilities, and safety of common functional elements of the structures are of prime importance.

11-6-2: SUBMISSION OF APPLICATION:

A. Documents and Information Required: The owner or developer of a proposed condominium project desiring approval shall file the following with the planning commission:

1. An application for condominium approval on a form prescribed by the city;
2. Four (4) copies (20"x30" minimum , 24" x 36" maximum size) and one (1) 11" x 17" copy of the proposed record of survey map required by Utah Code Annotated section 57-6-13. The map shall also:
 - a. Be drawn to a scale no smaller than one inch equals forty feet (1" = 40');;
 - b. Contain diagrammatic floor plans identifying boundaries of the project units, convertible and expandable areas or spaces and common areas;

c. Contain a designation of the intended use of common areas, such as storage areas, recreational areas, parking areas for owners, guests, open space, etc.;
d. Contain a designation of the common areas which are open to the public, which are assigned to specific units and which are semiprivate and available only to unit owners; and
e. Contain a detailed description of existing or proposed driveways, pedestrian ways, curb cuts, walls, structures, fences, landscaping and sprinkling systems;
f. Show individual utility connections for each unit. The culinary water must be master metered. Providence City will bill the Condominium Association, not individual units.

3. Two (2) copies signed in the original of the proposed condominium declarations and bylaws.

4. A condominium application filing fee, which shall be equal to the filing fee the developer pays for the subdivision application.

5. Proposed covenants, conditions and restrictions which to provide adequate guarantees for retention and maintenance of the development as approved;

B. Meetings: The City staff (or their assigns) may, at their discretion, meet with developers to comment on incomplete applications. Such meetings shall not be deemed acceptance of such incomplete applications for purposes of determining vested rights, and the city departments shall not retain copies of such incomplete applications. The city shall not schedule meetings and hearings before the planning commission on an application that is not complete.

11-6-3: STAFF REVIEW:

Upon receipt of a completed application for approval of a condominium project, the city staff shall route copies of the application and development plans in the same manner as a standard subdivision. Additionally, preliminary review by the planning staff and fire chief shall include, but not be limited to, the following:

A. Staff Review:

1. Letter of Intent: A letter of intent shall be submitted indicating proposed concept of project for staff review. The condominium declarations and bylaws shall be reviewed as part of the final approval process and will include provisions addressing and fixing responsibility for the maintenance, upkeep and repair of common areas, including common walls, electrical, mechanical, plumbing or utility systems, recreational areas, landscaping, private streets and parking areas. The declarations shall also restrict the use of any individual residential dwelling unit to single families. The staff shall also review the declaration to require appropriate disclosure of any unusual circumstances, variances or conditions placed upon the condominium project for approval.

1 a. Fire Safety Review: The fire marshal shall inspect each structure proposed for
2 conversion and shall submit a report thereon to the planning staff outlining the
3 conditions of the structures as they relate to fire safety. The fire marshal shall
4 stipulate those conditions requiring improvement prior to occupancy in the
5 report.

6 b. City Attorney: The city attorney shall review the declaration of condominium to
7 assure its conformance to Utah Code Annotated and city ordinances.

8 2. Plans and Related Documents: The staff shall review the plans and related
9 documents to determine whether the project conforms to applicable requirements
10 of this title, the status or extent of nonconforming rights, applicable conditions
11 imposed upon the building or use by ordinance, and/or conditional use permit. If
12 the staff finds there are violations of applicable zoning ordinances or requirements,
13 the staff may recommend denial of the condominium project until such violations
14 have been corrected or requirements completed or monies escrowed for one
15 hundred ten percent (110%) of the cost for correction before a decision can be
16 made by the planning commission.

17 **11-6-4: PLANNING COMMISSION ACTION:**

18 A. Compliance Requirements: Upon completion of the recommendations of the staff, the
19 matter shall be set for consideration by the planning commission. The planning
20 commission shall review the application to determine if it is in full compliance with:

- 21 1. Applicable city ordinances;
22 2. The requirements of the condominium ownership act (UCA 57-8);
23 3. In every way, the project is ready for final approval.

24 B. Planning Commission Action: Upon completion of the planning commission's review, it
25 shall take action as the Land Use Authority for Subdivisions.

- 26 1. Approval Granted: If the planning commission finds that the project is in compliance
27 with applicable ordinances and the requirements of final plat approval, the planning
28 commission shall grant approval.
29 2. Disapproval: If the planning commission determines said project is not in conformity
30 with requirements of the ordinances of the city; or if it rejects any offers of
31 dedication; the planning commission may disapprove the plat specifying the reasons
32 for disapproval.
33 3. Reconsideration: Within thirty (30) days after the planning commission has
34 disapproved any final plat, the developer may file with the City a revised plat and/or
35 documents altered to meet the requirements of the planning commission. Upon
36 receipt of the revised final plat and/or documents, and review by the executive
37 staff, the matter shall be referred back to the planning commission for
38 reconsideration.
39 4. Approval and Recording Required: No final plat shall have any force or effect until
40 the same has been approved by the signature of the mayor and has been officially

recorded with the county recorder within sixty (60) days from the date of the planning commission's approval.

11-6-5: FINAL PLAT RECORDATION:

A. Requirements: For purposes of recordation, the final approved plat shall be recorded as a subdivision and be included in the subdivision plat records of the Cache County recorder's office. Recordation by the city shall only take place after all of the necessary signatures are obtained, all approvals given, and all bonds and fees are posted with the city public works department.

B.. Covenants, Conditions And Restrictions:

1. The city shall require the applicant to submit for recording covenants, conditions and restrictions which will provide adequate guarantees for the permanent retention and maintenance of open space area, landscaping, natural features, private streets, other privately owned infrastructure and architectural design standards. The covenants, conditions and restrictions shall include, at a minimum, provisions for:
 - a. The establishment of a condominium association, unless the property will continue to be held in single ownership by either a corporation, partnership or an individual and restrictions are recorded requiring establishment of a condominium association in the event that the unity of title is not maintained; and
 - b. A provision granting the city the consent of the condominium association and each of its members, after providing notice to each property owner and holding a public hearing, to create a special assessment area comprised of all units and lots within the development, to finance the cost of reasonably necessary maintenance, repair or replacement of commonly owned essential public infrastructure such as streets, sidewalks, street lighting, water systems, etc., in the event of dissolution or default by the condominium association. It is the intent of this provision that once the City uses the special assessment area to finance the reasonably necessary maintenance, repairs, etc., future maintenance and repairs would be treated as any other city infrastructure project.
2. Each phase submitted for review shall include covenants, conditions and restrictions for approval.
3. Two (2) copies of the declaration of covenants, conditions and restrictions shall be submitted to the city signed and prepared for recording at the Cache County recorder's office prior to approval of a final plat. Prior to recordation, the covenants, conditions and restrictions shall be reviewed and approved for compliance with this chapter by the director of community and economic development and city attorney.